IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2784 OF 2024

Motiwala and Sons Gold and Diamonds Pvt. Ltd. …Petitioner

Versus

Union of India & Ors. …Respondents

Mr. Rajendra, *Advocate for Petitioner.*

Mr. Vikas T. Khanchandani a/w. Mr. Eshaan Saroop, *Advocates for Respondents.*

CORAM : G.S. KULKARNI &
SOMASEKHAR SUNDARESAN, JJ.

Date : July 15, 2024

PC :

1. We have heard Learned Counsel for the parties.

2. It appears to be not in dispute that the Assessing Officer has passed an assessment order under Section 143(3) read with Section 144B of the Income Tax Act, 1961 ("***the Act***") on 23 March, 2024. After passing of the assessment order, certain documents were sought to be

filed by the Petitioner and some related parties and stated to be in compliance of notice issued under Section 143(6) of the Act.

3. The Petitioner has stated that being aggrieved by the assessment order dated 23 March 2024, the Petitioner has already filed an appeal before the Commissioner of Income Tax (Appeals) (NFAC) [“**CIT(A)**”] on 1 April 2024 as also a stay application came to be filed in the said appeal on 17 April 2024. Petitioner’s appeal as also the stay application are pending adjudication before the CIT(A).

4. In this view of the matter, in our opinion, it is appropriate that the proceedings which are pending before the CIT(A) are decided on its own merits. As the stay application is already filed, let the stay application be decided by the CIT(A) within a period of two weeks from today. All contentions of the Petitioner in that regard are expressly kept open. In the event, a date is being fixed by the CIT(A) for hearing of the Petitioner be intimated of the same at least three days in advance.

5. Disposed of in the aforesaid terms. No costs.

6. Needless to observe that in view of the aforesaid limited order, we have not examined any contentions of the parties on merits. All contentions are kept open to be decided in the pending proceedings.

7. Parties to act on an authenticated copy of this order.

[SOMASEKHAR SUNDARESAN, J.] **[G.S. KULKARNI, J.]**